

**Meeting of the Central Valley Flood Protection Board
July 18, 2008**

**Draft Staff Report
DWR Floodway Protection Section**

Item

Consider approval of Permit No. 18332 (Attachment A) to remove two existing restrooms and install pre-constructed restrooms; excavate a leach field; and abandon existing water line and install a water line on the left (south) bank overflow area of the American River.

Applicant

Sacramento County Regional Parks

Location

The project is located in Sacramento, north of Coloma Road and west of Sunrise Blvd. (American River, Sacramento County, see Attachment B).

Description

To remove two existing restrooms and install 23- by 26-foot and 23- by 16-foot pre-constructed restrooms; excavate an 80- by 10-foot leach field 4-foot-deep; to abandon existing water line and install a water line on the left (south) bank overflow area of the American River.

Agency Comments and Endorsements:

- The U. S. Army Corps of Engineers endorsement has not been received but is anticipated to be received prior to the July 18, 2008 Board meeting.
- American River Flood Control District endorsement is not needed as this project is upstream of their jurisdiction.

Floodplain Impacts:

The project sites are located within the FEMA Flood Zone AE, a 100-year floodplain, and within a designated floodway. The new prefabricated restrooms have been designed to inundate during flood events. Other existing restrooms located within the American River Parkway have been designed to do the same. Due to the design features of the restroom, and as they will replace existing restrooms within the floodplain, it is expected that the restrooms will not impact the floodplain.

CEQA Findings:

Board staff recommends that the Board adopt the following CEQA findings:

The Board, acting as a responsible agency under CEQA, has independently reviewed the Initial Studies and Negative Declarations for the County of Sacramento, Department of Parks and Recreation, Lower Sunrise Main (SCN 2008012012) and Lower Sunrise (SCN 2008012013) Restroom Replacement Projects, prepared by the lead agency, the County of Sacramento, January 2008. The Initial Studies and Mitigated Negative Declarations may be viewed or downloaded at the Sacramento County website at <http://www.dera.saccounty.net/PublicNotices/SQLView/ProjectDetails/tabid/71/Default.aspx?ProjectID=34865> and <http://www.dera.saccounty.net/PublicNotices/SQLView/ProjectDetails/tabid/71/Default.aspx?ProjectID=34867>.

The proposed project is consistent with the Sacramento County Zoning Code, General Plan and the American River Parkway Plan. Environmental impacts associated with land use, population and housing, agricultural resources, aesthetics, airports, public services, transportation and traffic, air quality, noise, hydrology and water quality, geology and soils, biological resources (exceptions described below), and hazards and hazardous materials are considered less than significant.

Mitigation Monitoring and Reporting Programs were developed for these projects with mitigation measures incorporated into the project designs to reduce potentially significant impacts to less than significant. Mitigation measures at the Lower Sunrise Main site include oak tree preservation, protection for the valley elderberry longhorn beetle, and cultural resources. Mitigation measures at the Lower Sunrise site include northern California black walnut tree compensation and protection and cultural resources.

Based on its independent review of the Initial Studies and Negative Declarations the Board finds that although the proposed projects could have significant environmental impacts there will be no significant impacts in this case because the County has incorporated mandatory mitigation measures into the project plans that will reduce the level of significance to less than significant after mitigation.

Section 8610.5 Compliance

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

3. Effects of the decision on the entire State Plan of Flood Control:

This project has no effects on the State Plan of Flood Control.

4. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

None.

Staff Recommendation

Staff recommends that the Board adopt the CEQA findings, approve the permit, and direct staff to file a Notice of Determination with the State Clearinghouse.

List of Attachments

- A. Permit
- B. Location maps

DRAFT

STATE OF CALIFORNIA
THE RESOURCES AGENCY
CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 18332 BD

This Permit is issued to:

Sacramento County Regional Parks
3711 Branch Center Road
Sacramento, California 95827

To remove two existing restrooms and install 23- by 26-foot and 23- by 16-foot pre-constructed restrooms; excavate an 80- by 10-foot leach field 4-foot-deep; and abandon existing water line and install a 2-inch-diameter water line on the left (south) bank overflow area of the American River. The project is located in Sacramento, north of Coloma Road and west of Sunrise Blvd (Section 24, T9N, R6E, MDB&M, American River Flood Control District, American River, Sacramento County).

NOTE: Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project described above.

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

ONE: This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

TWO: Only work described in the subject application is authorized hereby.

THREE: This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

FOUR: The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and the Central Valley Flood Protection Board.

FIVE: Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of the Central Valley Flood Protection Board.

SIX: This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 day's notice.

SEVEN: It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

EIGHT: This permit does not establish any precedent with respect to any other application received by the Central Valley Flood Protection Board.

NINE: The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

TEN: The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

ELEVEN: The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

TWELVE: Should any of the work not conform to the conditions of this permit, the permittee, upon order of the Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

SPECIAL CONDITIONS FOR PERMIT NO. 18332 BD

THIRTEEN: All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Central Valley Flood Protection Board.

FOURTEEN: The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of the Department of Water Resources or any other agency responsible for maintenance.

FIFTEEN: The permittee shall contact the Department of Water Resources by telephone, (916) 574-1213, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

SIXTEEN: The Central Valley Flood Protection Board and Department of Water Resources shall not be held liable for any damages to the permitted encroachment(s) within the American River Designated Floodway resulting from flood fight, operation, maintenance, inspection, or emergency repair.

SEVENTEEN: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, the Central Valley Flood Protection Board may remove the encroachment(s) at the permittee's expense.

EIGHTEEN: The permittee should contact the U.S. Army Corps of Engineers, Sacramento District, Regulatory Branch, 1325 J Street, Sacramento, California 95814, telephone (916) 557-5250, as compliance with Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act may be required.

NINETEEN: The permittee shall be responsible for repair of any damages to the American River Designated Floodway and other flood control facilities due to construction, operation, or maintenance of the proposed project.

TWENTY: The permittee is responsible for all liability associated with construction, operation, and maintenance of the permitted facilities and shall defend and hold harmless the State of California, or any departments thereof, from any liability or claims of liability associated therewith.

TWENTY-ONE: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of the Central Valley Flood Protection Board and Department of Water Resources, at the permittee's or successor's cost and expense.

TWENTY-TWO: The permitted encroachment(s) shall not interfere with operation and maintenance of the flood control project. If the permitted encroachment(s) are determined by any agency responsible for operation or maintenance of the flood control project to interfere, the permittee shall be required, at permittee's cost and expense, to modify or remove the permitted encroachment(s) under direction of the Central Valley Flood Protection Board or Department of Water Resources. If the permittee does not comply, the Central Valley Flood Protection Board may modify or remove the encroachment(s) at the permittee's expense.

TWENTY-THREE: The State of California shall not be held liable for any damages caused by operation of the flood control project or by releases of water from storage reservoirs.

TWENTY-FOUR: The permittee acknowledges that the proposed project is located within the American River Designated Floodway and is subject to periodic flooding.

TWENTY-FIVE: No construction work of any kind shall be done during the flood season from November 1 to April 15 without prior approval of the Central Valley Flood Protection Board.

TWENTY-SIX: Cleared trees and brush shall be completely burned or removed from the floodway, and downed trees or brush shall not remain in the floodway during the flood season from November 1 to April 15.

TWENTY-SEVEN: Stockpiled material, temporary buildings, or equipment shall not remain in the floodway during the flood season from November 1 to April 15.

TWENTY-EIGHT: During the demolition portion of the project, any and all anticipated or unanticipated conditions encountered which may impact flood control shall be brought to the attention of the Flood Project Inspector immediately and prior to continuation.

TWENTY-NINE: Backfill material for excavations shall be placed in 4- to 6-inch layers and compacted to at least the density of the adjacent, firm, undisturbed material.

THIRTY: The permitted encroachments shall be floodproofed.

THIRTY-ONE: If damage to the permitted encroachment(s) exceeds 50 percent of its market value within a 10-year period, the permitted encroachments cannot be rebuilt or replaced without approval of the Central Valley Flood Protection Board. If the permitted encroachments is/are not repaired or replaced, the remaining portion must be completely removed from the floodway prior to the next flood season.

THIRTY-TWO: The proposed buildings shall be properly anchored to prevent floatation into the floodway in the event of high water.

THIRTY-THREE: All debris generated by this project shall be disposed of outside the floodway.

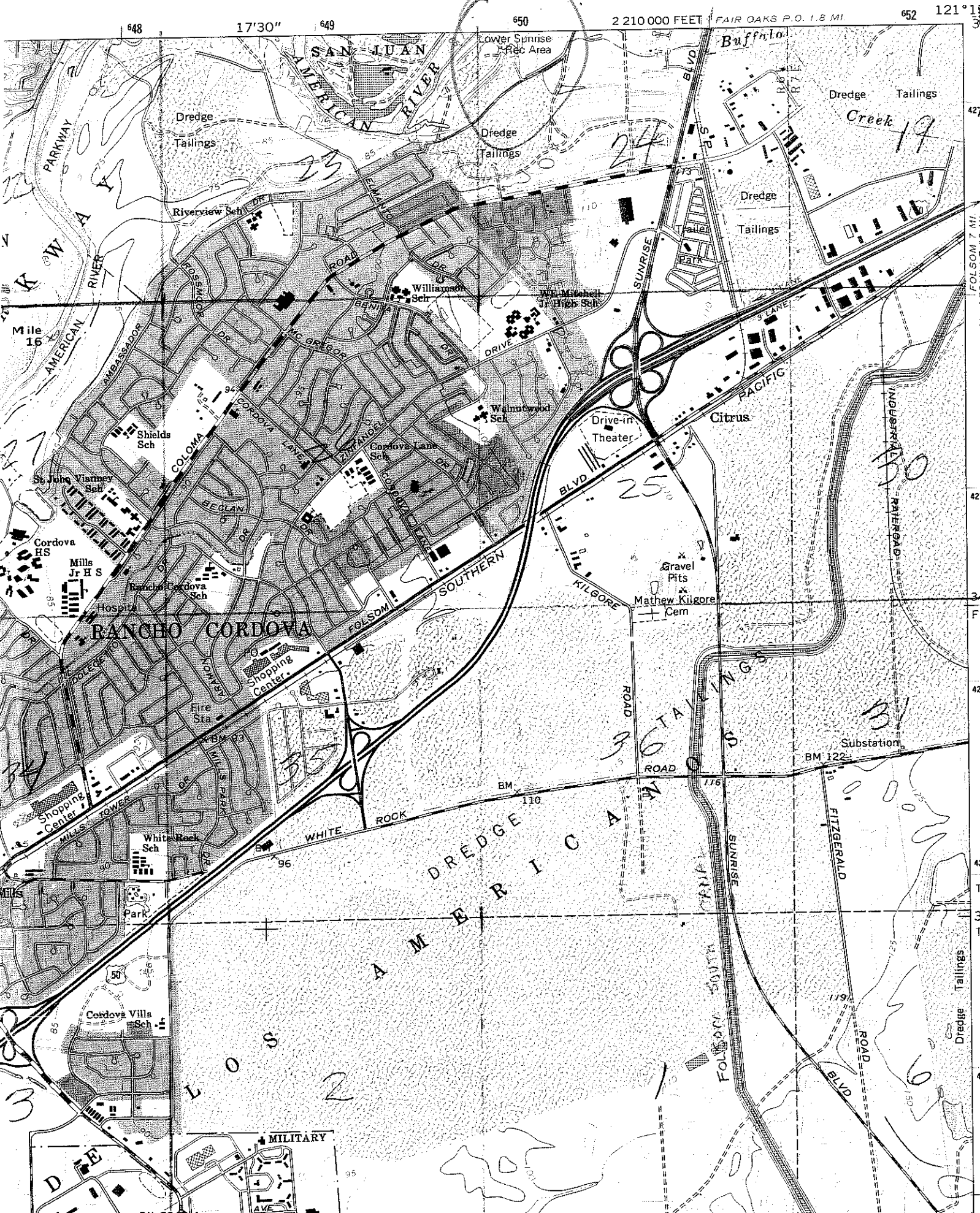
THIRTY-FOUR: The project site shall be restored to at least the condition that existed prior to commencement of work.

THIRTY-FIVE: Debris that may accumulate on the permitted encroachment(s) and related facilities shall be cleared off and disposed of outside the floodway after each period of high water.

THIRTY-SIX: If the permitted encroachments result(s) in an adverse hydraulic impact, the permittee shall provide appropriate mitigation measures, to be approved by the Central Valley Flood Protection Board, prior to implementation of mitigation measures.

THIRTY-SEVEN: Any additional encroachment(s) in the American River Designated Floodway, require an approved permit from the Central Valley Flood Protection Board and shall be in compliance with the Central Valley Flood Protection Board's regulations (Title 23 California Code of Regulations).

THIRTY-EIGHT: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated July XX, 2008, which is attached to this permit as Exhibit A and is incorporated by reference.



VICINITY MAP

Attachment B
VICINITY MAP - SITES 1 & 2

